REMARKS

Pending Claims

Claims 1 and 3-13 are pending in this application. Claims 1 and 3-8 have been amended. New claims 11-13 have been added. No new matter has been introduced.

Claim Rejections under 35 U.S.C. §103

Claims 1, 3, and 4 stand rejected under 35 USC 103(a) as being unpatentable over Huberman, U.S. Patent No. 5,826,244 in view of Kinney et al., U.S. Patent No. 7,249,085, Shoham et al., U.S. Patent No. 6,285,989, Odom et al., U.S. Patent No. 6,058,379, and Koopersmith, U.S. Pregrant Publication No. 2001/0042002.

Claims 5-10 stand rejected under 35 USC 103(a) as being unpatentable over Huberman.

Applicants request reconsideration of the rejections for the following reasons.

Claims 1, 3, and 4

Applicants respectfully submit that independent claim 1 as amended is patentable over Huberman, Kinney, Shoham, Odom, and Koopersmith because, for instance, they do not teach or suggest a method for auction brokerage service provided by a computer that resides between an information terminal of a user putting up a unique item to be an auctioned item and a plurality of auction servers accessed by a plurality of buyers to perform brokerage operation for an auction of the unique item among the auction servers, the method comprising the step of transmitting an auction registration request in the name of the user to each of the selected auction servers to receive a notification that the unique item of the user has been registered at

the selected auction servers, the selected auction servers auctioning the unique item

simultaneously to the plurality of buyers accessing the selected auction servers.

The Examiner cites Odom for disclosing multiple concurrent auctions, and

asserts that the trading of SEC listed stocks is similar to the claimed invention.

However, the trading of stocks involves multiple items that are not unique or identical.

As described throughout the present application, the item being auctioned via multiple

auction servers is an identical or unique item, which is different from stocks.

In addition, claim 1 recites "gathering trade information of how the unique item

has been bid for at the selected auction servers and tendering to the other selected

auction servers the highest tendered price of the bids in the name of a substitute in

order to adjust the bid prices to the highest price over all the selected auction servers."

The office action at page 5 acknowledges that none of the references explicitly

discloses this limitation. The rejection is made on the ground of the following

assertion: "The option of changing an offer price such as the minimum acceptable

price in an auction was well known at the time of Applicant's invention." The assertion

is not applicable to the claim limitation at issue. The specification discloses two

distinct ways to "avoid a problem in which the identical commodity might be knocked

down at plural different prices" (specification at page 15, lines 22-23). According to the

first approach, "the auction site monitoring section 242 may place tenders with the

highest tendered price to the other auction sites in the name of a substitute" (id. at

page 15, lines 13-16). In the second approach, "it may alter the lower limit of the

desired price of such commodity into the highest tendered price in the name of the

user" (id. at page 15, lines 17-20). Claim 1 recites a limitation directed to the first

approach. The rejection, however, is based on the second approach, which Applicant

does not claim. On the issue of patentability, a known second approach cannot form the basis for rejecting a claim that recites the first approach which is distinct from the second approach.

Applicants note that the claim term "tendering" by dictionary definition means "presenting an offer for acceptance," which is distinct from altering the lower limit of the desired price. That is, the act of "tendering" as claimed is different from the act of "altering the lower limit of the desired price" as suggested by the Examiner. One is not implicit of the other.

Furthermore, Huberman discloses a broker process 230 disposed between customer processes 210a and supplier processes 220a. The broker process 230 "is a process that oversees the auction and acts as auctioneer," and "can accept document services job requests from customer processes 210 and solicit and accept bids on such job requests from supplier processes 220, and can strike bargains between customer processes 210 and supplier processes 220" (col. 8, lines 5-13). As such, the broker process 230 is similar to an auction server recited in claim 1 (auctioning the auctioned item to a plurality of buyers), **not** a computer between an information terminal and a plurality of auction servers to perform brokerage operation for an auction of an auctioned item among the auction servers. Thus, Huberman does not disclose the structure of the auction brokerage service as recited in claim 1.

Nor does Huberman teach or suggest the method for auction brokerage service provided by the computer of claim 1 which resides between the information terminal and the plurality of auction servers. Claim 1 recites method steps for auction brokerage service performed by a computer between an information terminal and a plurality of auction servers. The computer is not an auctioneer, unlike the broker

process 230 in Huberman, which itself characterizes the broker process 230 as an auctioneer.

For example, the broker process 230 in Huberman does not select information of the auction servers because the broker process 230 itself is essentially an auction server and it does not interact with a plurality of auction servers (i.e., broker processes) to perform brokerage service as recited in claim 1. Instead, the broker process 230 interfaces with customer processes 210 submitting job requests and with supplier processes 220a providing bids on the job requests. Furthermore, the broker process 230 does not transmit an auction registration request to auction servers (i.e., broker processes), and it does not gather trade information at selected auction servers (i.e., broker processes).

Kinney, Shoham, Odom, and Koopersmith do not cure the deficiencies of Huberman because they neither disclose the computer for auction brokerage service disposed between the information terminal and a plurality of auction servers, nor teach or suggest the method steps for auction brokerage service as recited in claim 1. Kinney enables each individual bidder to view a comparison of submitted bids in their own context, but it has nothing to do with gathering trade information at selected auction servers. Shoham discloses multiple auctions simultaneously and the notification of the participant of the progress of a bid, but it has nothing to do with multiple auctions by selected auction servers for the unique item. Odom discloses multiple concurrent auctions, but it has nothing to do with multiple auctions by selected auction servers for the unique item. Koopersmith discloses a search server searching a database of website addresses for websites fitting a certain word definition, but it has nothing to do with multiple auctions by selected auction servers for the unique item.

The Examiner asserts that the steps of gathering trade information of how the auctioned item has been bid for at the selected auction servers and tendering to the other selected auction servers the highest tendered price of the bids in the name of a substitute in order to adjust the bid prices to the highest price over all the auction servers are taught because it was well known to change an offer price such as the minimum acceptable price in an auction. However, this assertion, even if valid, does not cure the deficiencies of the references for failing to teach or suggest gathering trade information at the selected auction servers and *tendering* to the other selected auction servers, as discussed above.

For at least the foregoing reasons, claim 1 and claims 3 and 4 depending therefrom are patentable.

Claims 5-7

Applicants respectfully submit that independent claim 5 as amended is patentable over Huberman, Kinney, Shoham, Odom, and Koopersmith because, for instance, they do not teach or suggest a method executed by a brokerage computer residing between a user computer of an auction user putting up an unique item to be an auctioned item and auction computers of auction organizers accessed by a plurality of buyers to perform brokerage operation for auctions among the auction computers, the method comprising sending the information about the unique item in the name of the user to the auction computers of the specified auction organizers, the auction computers auctioning the unique item simultaneously to the plurality of buyers accessing the specified auction organizers.

As discussed above in connection with claim 1, the trading of stocks in Odem involves multiple items that are not unique or identical. As described throughout the

present application, the item being auctioned via multiple auction servers is an

identical or unique item, which is different from stocks. In addition, claim 5 recites

"gathering trade information of how the unique item has been bid for at the specified

auction organizers," and "tendering to the other auction computers of the specified

auction organizers the highest bid price of the bid prices in the name of a substitute in

order to adjust the bid prices to the highest price over all the specified auction

organizers." The claim does not recite altering the lower limit of the desired price, as

suggested by the Examiner. On the issue of patentability, a known second approach

cannot form the basis for rejecting a claim that recites the first approach which is

distinct from the second approach.

Furthermore, Huberman discloses a broker process 230 disposed between

customer processes 210a and supplier processes 220a. The broker process 230 is

similar to an auction computer recited in claim 5 (auctioning the auctioned item

simultaneously to a plurality of buyers), **not** a computer between a user computer and

a plurality of auction computers to perform brokerage operation for an auction of an

auctioned item among the auction computers. Thus, Huberman does not disclose the

structure of the auction brokerage operation as recited in claim 5. Nor does Huberman

teach or suggest the method for auction brokerage operation provided by the

brokerage computer of claim 5 which resides between the user computer and the

plurality of auction computers. Claim 5 recites method steps for auction brokerage

operation performed by a brokerage computer between a user computer and a

plurality of auction computers. The brokerage computer is not an auctioneer, unlike

the broker process 230 in Huberman, which itself characterizes the broker process

230 as an auctioneer. For example, the broker process 230 in Huberman does not

send the information about the auctioned item in the name of the user to the auction

computers of the specified auction organizers because the broker process 230 itself is

essentially an auction computer and it does not interact with a plurality of auction

computers (i.e., broker processes) to perform brokerage service as recited in claim 5.

Instead, the broker process 230 interfaces with customer processes 210 submitting

job requests and with supplier processes 220a providing bids on the job requests.

Kinney, Shoham, Odom, and Koopersmith do not cure the deficiencies of

Huberman because they neither disclose the brokerage computer disposed between

the user computer and a plurality of auction computers, nor teach or suggest the

method steps for auction brokerage operation as recited in claim 5.

For at least the foregoing reasons, claim 5, and claims 6 and 7 depending

therefrom, are patentable.

Claims 8-10

Applicants respectfully submit that independent claim 8 as amended is

patentable over Huberman, Kinney, Shoham, Odom, and Koopersmith because, for

instance, they do not teach or suggest a computer for residing between an information

terminal of a user putting up an unique item to be an auctioned item and auction

servers accessed by a plurality of buyers to perform brokerage service for an auction

of the auctioned item among the auction servers, the computer comprising means for

sending the information about the unique item in the name of the user to the specified

auction servers, the specified auction servers auctioning the unique item

simultaneously to the plurality of buyers accessing the specified auction servers.

As discussed above in connection with claim 1, the trading of stocks in Odem

involves multiple items that are not unique or identical. As described throughout the

present application, the item being auctioned via multiple auction servers is an

identical or unique item, which is different from stocks. In addition, claim 8 recites

"means for gathering trade information of how the unique item has been bid for at the

specified auction servers," and "means for tendering to the other specified auction

servers the highest bidding price among all bidding prices in the name of a substitute

in order to adjust the bidding prices to the highest price over all the specified auction

servers." The claim does not recite altering the lower limit of the desired price, as

suggested by the Examiner. On the issue of patentability, a known second approach

cannot form the basis for rejecting a claim that recites the first approach which is

distinct from the second approach.

Furthermore, Huberman discloses a broker process 230 disposed between

customer processes 210a and supplier processes 220a. The broker process 230 is

similar to an auction server recited in claim 8 (auctioning the auctioned item

simultaneously to a plurality of buyers), **not** a computer between an information

terminal and a plurality of auction servers to perform brokerage service for an auction

of an auctioned item among the auction servers. Huberman does not disclose the

computer of the auction brokerage service as recited in claim 8. The computer of

claim 8 is <u>not</u> an auctioneer, unlike the broker process 230 in Huberman, which itself

characterizes the broker process 230 as an auctioneer. The computer of claim 8

includes various means not taught or suggested for the broker process 230 in

Huberman.

Kinney, Shoham, Odom, and Koopersmith do not cure the deficiencies of

Huberman because they neither disclose the computer disposed between the

information terminal and a plurality of auction servers, nor teach or suggest the various

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means contained in the computer for brokerage service as recited in claim 8.

For at least the foregoing reasons, claim 8, and claims 9 and 10 depending

therefrom, are patentable.

Claims 11-13

Claims 11-13 are similar to claims 1 and 3-4, but recite a "single item" instead of

a "unique item" to be auctioned. Auctioning a single item simultaneously via a plurality

of auction servers as recited in independent claim 11 is novel and patentable over the

cited references. In addition, the references also fail to teach or suggest "gathering

trade information of how the single item has been bid for at the selected auction

servers and tendering to the other selected auction servers the highest tendered price

of the bids in the name of a substitute in order to adjust the bid prices to the highest

price over all the selected auction servers." Accordingly, claim 11, and claims 12 and

13 depending therefrom, are patentable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully

contend that the above-identified application is now in condition for allowance.

Respectfully submitted,

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